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May 11, 2005

Honorable James Orenstein  
US Magistrate Judge  
Long Island Federal Courthouse  
100 Federal Plaza  
Central Islip NY 11722

**RE: Stephanie Gariulo and Joseph Gargiulo vs.  
Client Services, Inc. and Brie Hendersike  
Docket No. 04-CV-5410**

Dear Judge Orenstein:

This letter is written in reply to correspondence from plaintiff's counsel, dated May 9, 2005. It is defendant's position that the cases relied upon by plaintiff in his refusal to turn over the audio tapes of conversations are inapplicable to the facts of the instant matter.

The named defendants in this case are a collection agency and a collector employed by the collection agency. There are no individuals at the collection agency that have any independent recollection of the telephone conversations at issue so it would be impossible for any testimony to be altered. This is very different from the situations presented to the Courts in the cases cited by plaintiff's counsel. None of the cases cited were brought pursuant to the Fair Debt Collection Practices Act and all of those cases involved conversations where the parties were likely to have a specific recollection of the matters discussed.

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If the tapes portray a violation of FDCPA it will be likely that this case will be settled and if the tapes do not show a violation, it is unlikely that defendant will ever pay money to the plaintiffs. It is defendant's position that there is nothing to be gained from a delay in turnover of the audio tapes and defendant is requesting that the Court order plaintiff's counsel to immediately turn them over so that this case may proceed in an expeditious fashion.

Sincerely,

ARTHUR SANDERS  
AS:mc